

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**MENOMINEE INDIAN TRIBE OF WISCONSIN,**  
Plaintiff(s),

v.

**MOTION HEARING RE: U.S. Environmental  
Protection Agency, U.S. Army Corps of Engineers  
and Aquila Resources' [6] and [19] Motions to  
Dismiss**

Case No. 18-C-108

**U.S.ENVIRONMENTAL  
PROTECTION AGENCY, et al.,**

Defendant(s),

**AQUILA RESOURCES, INC.,**

Intervenor Defendant.

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HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: August 1, 2018  
Deputy Clerk: Cheryl

Time Called: 1:31 p.m.  
Time Concluded: 3:57 p.m.  
Tape: 080118

**Appearances:**

**Plaintiff(s):** Janette Brimmer, Lindzey A. Spice, Stephanie K. Tsosie,  
Douglas Cox-Menominee Tribal Chair

**Defendant(s):** Daniel R. Dertke and Michael Carter for U.S. Environmental Protection Agency  
Daniel P. Ettinger, Ashley G. Chrysler, and Ronald R. Ragatz for Aquila Resources, Inc.

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Mr. Ettinger provides current case status to the Court and the status of the case that is before the ALJ for the Michigan Department of Environmental Quality.

1:36 p.m. – Mr. Dertke presents argument in support of its motion. The court and Mr. Dertke discuss points of argument and authority.

1:53 p.m. – United States to submit authority within 7 days.

2:09 p.m. – Mr. Ettinger presents argument in support of its motion.

2:25 p.m. – Ms. Brimmer presents argument in opposition of the motions. The court and Ms. Brimmer discuss points of argument.

2:51 p.m. – Mr. Dertke responds and presents additional argument.

3:01 p.m. – The Court and Mr. Dertke discuss final agency action/decision.

3:10 p.m. – Mr. Ettinger responds and presents additional argument.

3:17 p.m. – Ms. Brimmer responds and presents additional argument.

3:20 p.m. – The court directs a supplemental brief be filed within 7 days. Response due 7 days thereafter.

The court takes the matter under advisement.

3:21 p.m. – Hearing concluded.